

## **EXHIBIT M**

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MEMBER NY AND CT BAR

THIS FIRM DOES NOT ACCEPT  
SERVICE BY FACSIMILE TRANSMISSION

SUSAN SAMMUT, LEGAL ASSISTANT

February 29, 2008

John J. Walsh, Esq.  
Hodges, Walsh & Slater, LLP  
55 Church Street, Suite 211  
White Plains, NY 10601

Re: Eric K. Merring v. the Town of Tuxedo, New York, the Town of Tuxedo Police Department, Town of Tuxedo Police Officer Anthony Delia, Shield Number 24, Town of Tuxedo Police Sergeant Patrick Welsh, Shield Number 17  
United States District Court, Southern District of New York  
Index Number: 07CV10381

Dear Mr. Walsh:

Enclosed please find for service upon you a copy of each of the following:

1. **FIRST REQUEST FOR PRODUCTION OF DOCUMENTS PURSUANT TO FRCP 34;**
2. **INTERROGATORIES PURSUANT TO FRCP 33 pertaining to defendant DELIA;**
3. **INTERROGATORIES PURSUANT TO FRCP 33 pertaining to defendant WELSH;**
4. **INTERROGATORIES PURSUANT TO FRCP 33 pertaining to defendant TOWN OF TUXEDO POLICE DEPARTMENT; and,**

Paul Svensson, Esq.  
Hodges, Walsh & Slater, LLP  
Page 2

5. **INTERROGATORIES PURSUANT TO FRCP 33 pertaining to defendant TOWN OF TUXEDO.**

Yours truly,

A handwritten signature in dark ink, appearing to read 'LDK', with a stylized flourish extending to the right.

Lee David Klein

LDK:ss  
Enclosures  
cc: Client (w/ enclosures)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ERIC K. MERRING,

Plaintiff,

- against -

THE TOWN OF TUXEDO, NEW YORK, THE TOWN OF  
TUXEDO POLICE DEPARTMENT, TOWN OF TUXEDO  
POLICE OFFICER ANTHONY DELIA, SHIELD NUMBER  
24, TOWN OF TUXEDO POLICE SERGEANT PATRICK  
WELSH, SHIELD NUMBER 17,

Defendants.  
-----X

CV NO.:  
07 CV 10381 CLB

**FIRST  
REQUEST FOR  
PRODUCTION  
OF DOCUMENTS  
PURSUANT TO  
FRCP 34**

Assigned to:  
**Hon. Charles L. Brieant**  
United States  
District Judge

TO: Defendants THE TOWN OF TUXEDO, NEW YORK, THE TOWN OF  
TUXEDO POLICE DEPARTMENT, TOWN OF TUXEDO POLICE OFFICER  
ANTHONY DELIA, SHIELD NUMBER 24, TOWN OF TUXEDO POLICE  
SERGEANT PATRICK WELSH, SHIELD NUMBER 17

Pursuant to FRCP 34, the following documents, records, and things are  
requested of defendants within thirty (30) days of the date of this Request as follows, for  
plaintiff's counsel to inspect and photocopy:

1. Any and all correspondences, reports, documents, memorandums,  
notes, recordings, either video or audio, pertaining to the arrest and charging of plaintiff  
on December 4, 2006.
2. Any and all correspondences, reports, records, documents,  
memorandums, and notes pertaining to communications with the Office of the Hon.

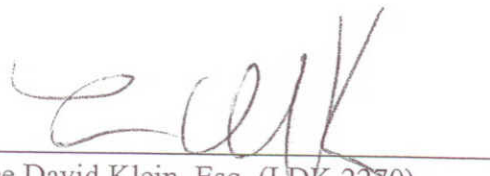
Thomas E. Mills, Sheriff, County of Delaware, State of New York, pertaining to the pistol permit of the plaintiff herein, generated or received by the TOWN OF TUXEDO POLICE DEPARTMENT or any member thereof.

3. Any and all correspondences, reports, records, documents, memorandums, and notes pertaining to the TOWN OF TUXEDO POLICE DEPARTMENT's assistance with an investigation conducted by the Child Protective Services of the Orange County Department of Social Services and/or the New York State Department of Social Services pertaining to the plaintiff herein, occurring on or about December 17, 2007.

4. The entire personnel files of the following members of the TOWN OF TUXEDO POLICE DEPARTMENT, including but not limited to complaints by civilians, counseling memorandums, disciplinary proceedings and actions, specifications of charges and dispositions: defendant DELIA, defendant WELSH, Lieutenant David Gannon, Chief Daniel Carlin.

5. The patrol manual or general orders manual of the TOWN OF TUXEDO POLICE DEPARTMENT.

Dated: Poughkeepsie, New York  
February 29, 2008



Lee David Klein, Esq. (LDK 2270)  
Attorney for Plaintiff  
11 Market Street, Suite 204  
Poughkeepsie, NY 12601  
845-454-9200

TO:  
John J. Walsh, Esq.  
Hodges, Walsh & Slater, LLP  
Attorneys for Defendants  
55 Church Street, Suite 211  
White Plains, NY 10601



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ERIC K. MERRING,

Plaintiff,

- against -

THE TOWN OF TUXEDO, NEW YORK, THE TOWN OF  
TUXEDO POLICE DEPARTMENT, TOWN OF TUXEDO  
POLICE OFFICER ANTHONY DELIA, SHIELD NUMBER  
24, TOWN OF TUXEDO POLICE SERGEANT PATRICK  
WELSH, SHIELD NUMBER 17,

Defendants.

-----X

CV NO.:  
07 CV 10381 CLB

**INTERROGATORIES  
PURSUANT TO  
FRCP 33**

Assigned to:  
**Hon. Charles L. Brieant**  
United States  
District Judge

TO: Defendant TOWN OF TUXEDO

Pursuant to FRCP 33, the following Interrogatories are hereby propounded to defendant TOWN OF TUXEDO, by plaintiff herein, and to be answered by you upon oath in accordance with Rule 33(b), within thirty (30) days. You are required to set out each Interrogatory prior to the answer directed to it:

1. Please identify yourself, stating your full name, your age, and your specific position with the defendant TOWN OF TUXEDO.
2. State the date that you assumed this position, and the duties it entails.

3. State what if any other positions you have held with the TOWN OF TUXEDO, and identify the start and finish dates for the same, with the specific positions and assigned duties.

4. Set forth whether any individual or individuals in the Town of Tuxedo government are responsible for oversight of the Town of Tuxedo Police Department, and if so, set forth the names of such individuals who would have been in such positions as of December 4, 2006, and December 17, 2007. Set forth the specific nature of the involvement of such oversight individual or individuals in terms of what their duties entail pertaining to oversight of the Town of Tuxedo Police Department, including specifics in terms of meetings, briefings, etc.

5. Set forth whether any individual or individuals in the Town of Tuxedo were assigned the task as of December 4, 2006, and December 17, 2007, of review of the Town of Tuxedo Police Department practices and procedures pertaining to arrest and processing of persons charged, and if so, set forth the full names and titles of such individuals.



6. Set forth whether as a result of the incidents involving the plaintiff that occurred on December 4, 2006, and December 17, 2007, the TOWN has taken any disciplinary or review action with respect to any member of the Town of Tuxedo Police Department or the Town of Tuxedo Police Department as a whole, and if so, set forth the specific procedures implemented, and the dates of such implementation.

Dated: Poughkeepsie, New York  
February 29, 2008

  
\_\_\_\_\_  
Lee David Klein, Esq. (LDK 2270)  
Attorney for Plaintiff  
11 Market Street, Suite 204  
Poughkeepsie, NY 12601  
845-454-9200

TO:  
John J. Walsh, Esq.  
Hodges, Walsh & Slater, LLP  
Attorneys for Defendants  
55 Church Street, Suite 211  
White Plains, NY 10601

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ERIC K. MERRING,

Plaintiff,

- against -

THE TOWN OF TUXEDO, NEW YORK, THE TOWN OF  
TUXEDO POLICE DEPARTMENT, TOWN OF TUXEDO  
POLICE OFFICER ANTHONY DELIA, SHIELD NUMBER  
24, TOWN OF TUXEDO POLICE SERGEANT PATRICK  
WELSH, SHIELD NUMBER 17,

Defendants.

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INTERROGATORIES  
PURSUANT TO  
FRCP 33

Assigned to:  
Hon. Charles L. Briant  
United States  
District Judge

TO: Defendant TOWN OF TUXEDO POLICE DEPARTMENT

Pursuant to FRCP 33, the following Interrogatories are hereby propounded to defendant TOWN OF TUXEDO POLICE DEPARTMENT, by plaintiff herein, and to be answered by you upon oath in accordance with Rule 33(b), within thirty (30) days. You are required to set out each Interrogatory prior to the answer directed to it:

1. State whether any supervisory police personnel of the rank of Sergeant or above were involved in an incident in the TOWN OF TUXEDO involving the plaintiff on December 4, 2006, either by being physically present or in radio contact or telephone contact with defendants DELIA and/or WELSH.

a. If so, please state the full name, rank, and identification of such supervisory personnel; and,

b. Please state the sum and substance of any communications made in person or by radio contact or by telephone contact, and whether such was with defendant DELIA and/or WELSH or both.

2. State whether any police personnel were involved in any communications with authorities, including, but not limited to the Hon. Thomas Mills, Sheriff of Delaware County, or any of his subordinates, or any other county pertaining to the plaintiff's pistol permit, stemming from his arrest on December 4, 2006, in the TOWN OF TUXEDO, and set forth the specific nature of any such communications, including specific dates, times, locations, and the sum and substance of the same, and the identity of any such individuals contacted.

a. If so, please state the full name, rank, and identification of such personnel; and,

b. Please state the sum and substance of any communications made in person or in writing or by radio contact or by telephone contact.

3. State whether any police personnel were with the investigation by the Child Protective Service of the Orange County Department of Social Services and/or the New York State Department of Social Services (CPS/DSS) on December 17, 2007, of the plaintiff pertaining to the same, and set forth the specific nature of any such involvement or communications, including specific dates, times, locations, identities of parties communicating, and the sum and substance of the same, including whether any communications were of an initiating, investigating, monitoring, or follow-up nature.

a. If so, please state the full name, rank, and identification of such personnel.

4. Set forth what, if any, training is required on an ongoing or annual or regular basis for the members of the TOWN OF TUXEDO POLICE DEPARTMENT, either officers or supervisory personnel, including, but not limited to sergeants.

5. State whether any disciplinary proceedings or counseling of any type occurred with respect to defendants DELIA and/or WELSH stemming from the arrest and charging of the plaintiff herein on December 4, 2006, and if so, give the specific dates, nature of any charges, and the dispositions of same.

Dated: Poughkeepsie, New York  
February 29, 2008

  
\_\_\_\_\_  
Lee David Klein, Esq. (LDK 2270)  
Attorney for Plaintiff  
11 Market Street, Suite 204  
Poughkeepsie, NY 12601  
845-454-9200

TO:  
John J. Walsh, Esq.  
Hodges, Walsh & Slater, LLP  
Attorneys for Defendants  
55 Church Street, Suite 211  
White Plains, NY 10601



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ERIC K. MERRING,

Plaintiff,

- against -

THE TOWN OF TUXEDO, NEW YORK, THE TOWN OF  
TUXEDO POLICE DEPARTMENT, TOWN OF TUXEDO  
POLICE OFFICER ANTHONY DELIA, SHIELD NUMBER  
24, TOWN OF TUXEDO POLICE SERGEANT PATRICK  
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**INTERROGATORIES  
PURSUANT TO  
FRCP 33**

Assigned to:  
**Hon. Charles L. Brieant**  
United States  
District Judge

TO: Defendant POLICE OFFICER ANTHONY DELIA, SHIELD NUMBER 24, THE  
TOWN OF TUXEDO POLICE DEPARTMENT

Pursuant to FRCP 33, the following Interrogatories are hereby propounded  
to defendant POLICE OFFICER ANTHONY DELIA, SHIELD NUMBER 24, by plaintiff  
herein, and to be answered by you upon oath in accordance with Rule 33(b), within thirty  
(30) days. You are required to set out each Interrogatory prior to the answer directed to  
it:

1. Please identify yourself, stating your full name, your age, your  
business or occupation and business address, your rank, your badge or identification  
number, and your assignment (patrol, traffic, detectives, administration, etc.).